

REMARKS

Claims 1-17 are pending in this application. Claims 1-17 are rejected. Claims 18-21 have been added. Claims 1-21 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

Drawings

The drawings are objected to under 37 CFR 1.83(a) because they fail to show numeral 250 on Figure 2, as described in the specification on page 2, line 17 and 20. A corrected Figure 2 is submitted herewith.

Claims Rejections - 35 USC 103

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over "Applicant Admitted Prior Art" (AAPA). The Examiner states that the AAPA modifies the prior art by adding a network bandwidth monitor for monitoring a bandwidth of the network. It is assumed that the Examiner meant that the Applicants invention modifies the AAPA by adding a network bandwidth monitor for monitoring a bandwidth of the network. The AAPA described in the background of the invention (AAPA) does not have or suggest using a network bandwidth monitor for monitoring a bandwidth of the network.

The Examiner then states that Hinchley discloses a network bandwidth monitor for monitoring a bandwidth of the network and discloses a transcoder for transcoding the stored data if the monitored bandwidth is less than a first preset value (abstract and col. 1, line 62-col. 2, line 24).

Hinchley also does not relate to monitoring network bandwidth. There is no reference to a network monitor or even to a network anywhere in the abstract or in col. 1, line 62-col. 2, line 24. Hinchley relates to adjusting a bit rate of data responsive to a control input. See abstract. There is not even a suggestion of a network server that includes a bandwidth monitor for monitoring a bandwidth of the network and a transcoder for transcoding the stored data if the monitored bandwidth is less than a first preset value.

Regarding claim 3, the Examiner acknowledges that AAPA and Hinchley do not teach a redundancy encoder for redundancy encoding the transcoded data if the monitored bandwidth is less than a second preset value. However the Examiner states that it would be obvious to include redundancy encoding if the monitored bandwidth is less than a second preset value.

The rejection is respectfully traversed. It is inherently non-obvious to include redundancy encoding when bandwidth in a network falls below a second value. The more redundancy encoding, the more bandwidth required to send the data. Thus using redundancy encoding when the network bandwidth is low, could cause further congestion in the network and further disrupt the data stream transmission.


However, it has been discovered that at a second network bandwidth value where packets are possibly dropped from the network, the transcoding scheme described in the invention can be combined with the redundancy encoding to maintain transmission of the data stream. This is not suggested in the AAPA or Hinchley.

For the reasons stated above, claims 1-17 are patentable under 35 USC 103(a).

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



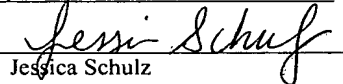
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Annotated Sheet Showing Changes



FIG. 2